

Meeting Summary
Utah Water Quality Standards Workgroup
September 17, 2012

See supporting materials at <http://www.waterquality.utah.gov/WQS/workgroup/index.htm#wqsmtgs>

Attendance

Name	Affiliation
Chris Bittner	DWQ
Jeff Ostermiller	DWQ
Theron Miller	JRFBWQC
Laura Lockhart	Utah Attorney General
Leah Ann Lamb	DWQ
Florence Reynolds	Salt Lake City
Bill Damery	DWQ
Leland Myers	CSDS
Ben Holcomb	DWQ
Tina Laidlaw (phone)	USEPA

Updates: (0:00-2:35 on recording)

The group agreed to change the workgroup meetings to the 3rd Monday of the month at 1:00, every 3 months. The next scheduled meeting is March 18, 2013.

The group agreed to change the order of presentations on the agenda to present the 401 Certification rules first.

Action Item: Chris Bittner to inform workgroup members of the change in meeting times.

401 Certification Rules. (2:35 on recording) Bill Damery presented a summary of the comments received and of the major changes to the rule since the last draft. After Bill presented the summaries, he said that DWQ's intention was to make a request to the Water Quality Board to proceed with rulemaking. If the workgroup has additional comments, they are due to Bill by December 31, 2012.s.

The group discussed situations when a permit would be required. Utah's antidegradation rules contain 404 and 401 Certification (e.g., R317-2-3.5.c.3). These provisions are unique to the 404 and 401 permit process and DWQ should consider moving these provisions to the proposed 401 rules in R317-13. Chris Bittner agreed to follow up with EPA to see if the antidegradation requirements for 401 and 404 permits are required by the Clean Water Act. DWQ will consider potentially changing the alternative analysis requirements to specifically address water quality as opposed to the current requirement that DWQ rely on the U.S. Corps of Engineers alternative analyses.

Leland Myers and Reed Obendorfer opined that the Water Quality Standards Workgroup members weren't typically involved with the 401 and 404 permits. The workgroup has taken the rule as far as it can go and additional review by the workgroup would not be beneficial.

Action Item: Bill Damery and DWQ to ensure that proposed rule is consistent with the antidegradation requirements in R317-2-3.5 and then take the proposed rule to the Water Quality Board.

Biological Standard (32:40 on recording). Ben Holcomb presented the proposed language that was provided to the workgroup before the meeting (see supporting materials). Theron Miller thought the language in the proposed R317-2-7.3 introductory paragraph was too restrictive by not including physical stressors. The workgroup discussed the paragraph and decided to strike the “in concentrations or combinations” as follows:

7.3 Biological Water Quality Assessment and Criteria

Waters of the State shall be free from human-induced stressors ~~in concentrations or combinations~~ which will degrade the beneficial uses as prescribed by the biological assessment processes and biological criteria set forth below:

The workgroup had no additional comments and DWQ will request permission to begin rulemaking at the January meeting. Ben Holcomb will email the changes to sub-workgroup members. Future subworkgroups will be invited to the Water Quality Standards Workgroup meetings so that they can make comments on any changes made by the Standards Workgroup.

“Biological integrity” means the capacity of a water body to support and maintain a balanced, integrated, adaptive community of organisms that has species composition, diversity, and functional organization comparable to that of the natural habitat of the region.

Action Item: Ben Holcomb will inform the Biological Criteria sub-workgroup of the final proposed language. The proposed rule will be presented to the Water Quality Board at the January, 2013 meeting.

USEPA 2012 Recreational Criteria: (49:42 on recording) Chris Bittner presented a summary of the November 2012 Recreational Criteria (see supporting materials). The consensus of the workgroup was that no changes to Utah’s recreational criteria were warranted. DWQ will review Assessment Methods to determine if changes to Utah’s assessment methods are appropriate.